

A U S T I N C I T Y C O U N C I L

**AGENDA**



Thursday, May 18, 2006

*Item # 28*

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**Watershed Protection and Development Review  
RECOMMENDATION FOR COUNCIL ACTION**

**Subject:** Approve an ordinance waiving the development regulations of Ordinance No. 20060309-058 to allow the construction of a duplex residence at 505 Deep Eddy Avenue.

**Fiscal Note:** There is no unanticipated fiscal impact. A fiscal note is not required.

**Additional Backup Material**  
(click to open)  
No Attachments Available

**For More Information:** Sylvia Benavidez, 974-2522; Joi Harden, 974-3345

On March 9, 2006 the City Council adopted Ordinance 20060309-058 establishing development regulations applicable to certain building permits for single-family, single family attached, two-family, secondary apartment, and duplex structures in areas of the City that were subdivided prior to March 1974. Pursuant to Part 4 Section (C) of Ordinance No. 20060309-58, to obtain a building permit to construct single-family, single family attached, two-family, secondary apartment, and duplex structures on a lot where a structure has been or will be demolished or relocated, the new structure's size is limited to the greater of the following:

- (a) 0.4 to 1 floor-to-area ratio;
- (b) 2,500 square feet; or
- (c) 20 percent more square feet than the existing or pre-existing structure.

This ordinance includes a provision which allows City Council to waive the development limitations if the Council determines that the development regulations impose an undue hardship on the applicant, the development proposed by the applicant will not adversely affect public health, safety and welfare, and waiving the regulations will not have a substantially adverse impact on neighboring properties.

Applicants Mr. Pete Fajkowski and Mr. Mike Morales are requesting a waiver from Ordinance No. 20060309-058 in order to construct a duplex at 505 Deep Eddy. The two story structure will have 3825 square feet of gross floor area. The proposed development exceeds the floor to area ratio and square footage limitations under Ordinance No. 20060309-058. The proposed development would comply with all other zoning regulations, including building and impervious cover limitations as well as height requirements.

Staff recommends disapproval of the waiver request because no hardship has been found.